

ESHB 1150 - S COMM AMD
By Committee on Judiciary

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 16.08.070 and 2002 c 244 s 1 are each amended to read
4 as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout RCW 16.08.070 through 16.08.100.

7 (1) "Potentially dangerous dog" means any dog that when unprovoked:
8 (a) Inflicts bites on a human or a domestic animal either on public or
9 private property, or (b) (~~chases or approaches a person upon the~~
10 ~~streets, sidewalks, or any public grounds in a menacing fashion or~~
11 ~~apparent attitude of attack, or any dog with~~) has a known propensity,
12 tendency, or disposition to attack unprovoked, to cause injury, or to
13 cause injury or otherwise to threaten the safety of humans or domestic
14 animals.

15 (2) "Dangerous dog" means any dog that (a) inflicts severe injury
16 on a human being without provocation on public or private property, (b)
17 kills a domestic animal without provocation while the dog is off the
18 owner's property, or (c) has been previously found to be potentially
19 dangerous because of injury inflicted on a human, the owner having
20 received notice of such and the dog again aggressively bites, attacks,
21 or endangers the safety of humans.

22 (3) "Severe injury" means any physical injury that results in
23 broken bones or disfiguring lacerations requiring multiple sutures or
24 cosmetic surgery.

25 (4) "Proper enclosure of a dangerous dog" means, while on the
26 owner's property, a dangerous dog shall be securely confined indoors or
27 in a securely enclosed and locked pen or structure, suitable to prevent
28 the entry of young children and designed to prevent the animal from
29 escaping. Such pen or structure shall have secure sides and a secure
30 top, and shall also provide protection from the elements for the dog.

1 (5) "Animal control authority" means an entity acting alone or in
2 concert with other local governmental units for enforcement of the
3 animal control laws of the city, county, and state and the shelter and
4 welfare of animals.

5 (6) "Animal control officer" means any individual employed,
6 contracted with, or appointed by the animal control authority for the
7 purpose of aiding in the enforcement of this chapter or any other law
8 or ordinance relating to the licensure of animals, control of animals,
9 or seizure and impoundment of animals, and includes any state or local
10 law enforcement officer or other employee whose duties in whole or in
11 part include assignments that involve the seizure and impoundment of
12 any animal.

13 (7) "Owner" means any person, firm, corporation, organization, or
14 department possessing, harboring, keeping, having an interest in, or
15 having control or custody of an animal.

16 (8) "Dog" includes wolf-dog hybrids.

17 **Sec. 2.** RCW 16.08.100 and 2002 c 244 s 3 are each amended to read
18 as follows:

19 (1) Any dangerous dog shall be immediately confiscated by an animal
20 control authority if the: (a) Dog is not validly registered under RCW
21 16.08.080; (b) owner does not secure the liability insurance coverage
22 required under RCW 16.08.080; (c) dog is not maintained in the proper
23 enclosure; or (d) dog is outside of the dwelling of the owner, or
24 outside of the proper enclosure and not under physical restraint of the
25 responsible person. The owner must pay the costs of confinement and
26 control. The animal control authority must serve notice upon the dog
27 owner in person or by regular and certified mail, return receipt
28 requested, specifying the reason for the confiscation of the dangerous
29 dog, that the owner is responsible for payment of the costs of
30 confinement and control, and that the dog will be destroyed in an
31 expeditious and humane manner if the deficiencies for which the dog was
32 confiscated are not corrected within twenty days. The animal control
33 authority shall destroy the confiscated dangerous dog in an expeditious
34 and humane manner if any deficiencies required by this subsection are
35 not corrected within twenty days of notification. In addition, the
36 owner shall be guilty of a gross misdemeanor punishable in accordance
37 with RCW 9A.20.021.

1 (2) If a dangerous dog of an owner with a prior conviction under
2 this chapter attacks or bites a person or another domestic animal, the
3 dog's owner is guilty of a class C felony, punishable in accordance
4 with RCW 9A.20.021. It is an affirmative defense that the defendant
5 must prove by a preponderance of the evidence that he or she was in
6 compliance with the requirements for ownership of a dangerous dog
7 pursuant to this chapter and the person or domestic animal attacked or
8 bitten by the defendant's dog trespassed on the defendant's real or
9 personal property or provoked the defendant's dog without justification
10 or excuse. In addition, the dangerous dog shall be immediately
11 confiscated by an animal control authority, placed in quarantine for
12 the proper length of time, and thereafter destroyed in an expeditious
13 and humane manner.

14 (3) The owner of any dog that aggressively attacks and causes
15 severe injury or death of any human, whether or not the dog has
16 previously been declared potentially dangerous or dangerous, shall,
17 upon conviction, be guilty of a class C felony punishable in accordance
18 with RCW 9A.20.021. It is an affirmative defense that the defendant
19 must prove by a preponderance of the evidence that the human severely
20 injured or killed by the defendant's dog: (a) Trespassed on the
21 defendant's real or personal property which was enclosed by fencing
22 suitable to prevent the entry of young children and designed to prevent
23 the dog from escaping and marked with clearly visible signs warning
24 people, including children, not to trespass and to beware of dog; or
25 (b) provoked the defendant's dog without justification or excuse on the
26 defendant's real or personal property which was enclosed by fencing
27 suitable to prevent the entry of young children and designed to prevent
28 the dog from escaping and marked with clearly visible signs warning
29 people, including children, not to trespass and to beware of dog. In
30 such a prosecution, the state has the burden of showing that the owner
31 of the dog either knew or should have known that the dog was
32 potentially dangerous as defined in this chapter. The state may not
33 meet its burden of proof that the owner should have known the dog was
34 potentially dangerous (~~solely~~) by showing the dog to be a particular
35 breed or breeds. In addition, the dog shall be immediately confiscated
36 by an animal control authority, quarantined, and upon conviction of the
37 owner destroyed in an expeditious and humane manner.

1 (4) Any person entering a dog in a dog fight is guilty of a class
2 C felony punishable in accordance with RCW 9A.20.021."

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3 On page 1, line 1 of the title, after "dogs;" strike the remainder
4 of the title and insert "and amending RCW 16.08.070 and 16.08.100."

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